

REMARKS

This amendment is made for the purpose of placing the application in condition for allowance or, in the alternative, better form for appeal. No new issues are presented by this amendment.

Claims 1, 3-9, 11-13 are currently active in the application. By the present amendment claims 5 and 11 have been amended responding to the Examiner's objections. The Examiner is respectfully requested to reconsider and allow the claims in view of the following discussion, or in alternative, to enter this amendment for purpose of appeal.

Applicant thanks the Examiner for indicating that the drawings filed on October 27, 2000, have been accepted.

The abstract has been objected to by the Examiner for using a word "means". By the present amendment the word "means" has been replaced with the words "resources" and "causing automatic deletion of". No new matter is added by this amendment.

Claims 5 and 11 have been objected to by the Examiner for the following asserted inaccuracies. In the claim 5 the final word "and" has not been deleted by the previous amendment and claim 11 improperly depends from the previously deleted claim 10. Responding to the objections, claims 5 and 11 have been amended in order to eliminate above-described inaccuracies. No new issue has been introduced by this amendment.

Claims 1, 3-9, and 11-13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the article to Mallet, P.W. "*Consideration for Applying Disc Encryptors to Environments Subject to Hostile Overrun*", Computer Security Application Conference, 1991, Proceedings, Seventh Annual, 2-6 Dec. 1991 IEEE; pages 218-222 in view of U.S. Patent 5,457,748 to Bergum et al. This ground of rejection is respectfully traversed for the reason that the combination of the article to Mallet and patent to Bergum et al. fails to show the claimed invention.

As it was discussed earlier, the present invention aims to resolve a very specific problem of denying access to data secured through encryption in a combat

situation. Applicant again emphasizes the fact that the claimed invention is oriented to the mobile computer which can be involved in a scenario in which an adversary will seek to take possession of the computer and read the secured data and even coerce an operator to recover an encryption key. It should be noted that the present invention is oriented to a dynamic, mobile system. For instance, the data classified and unclassified is downloaded from workstation (located in a secure place) to a mission computer (on board the helicopter or a like) preferably via small computer system interface bus (SCSI). Please note that according to the present invention the encryption function in the mission computer is performed by encrypting data through encryption or decryption of the data as needed.

The article to Mallett discloses disc encryptors for military environment processing sensitive classified information. Mallet is concerned with physical capture of a workstation which can result in compromise of a large amount of sensitive information on the hard disk. Mallet describes several configurations of the device, wherein an encryption device can be placed between the workstation and an external disc drive, on the workstation bus or be associated with a one-user-at-a-time workstation or a server.

The Examiner states in the Office Action that Mallet shows all features of the present invention other than the transfer of encryption keys from non-volatile memory to volatile memory and erasure of keys from the volatile memory of which are both principal features of the invention supporting its meritorious effects. However, the Examiner ignores the main difference between the systems to Mallet and the claimed invention. The Mallet is more oriented to the stationary computer set up, whereas the Applicant teaches a dynamic and mobile system wherein encoding is performed only when the Mission Computer is connected to the Mission Planning Workstation. The moment when a helicopter, carrying a Mission Computer takes off, the encryption key is deleted from media device and transferred to volatile memory. This limitation is reflected in the following recitations of claim 1, "...transferring said encryption key to volatile memory from said media device;

transporting the target portable computing device and media devices to a location physically distant from the mission planning workstation;

deleting said encryption key from said media device in response to said transport step;” (Emphasis added) These limitations of claim 1 are not presented by the primary reference to Mallet. Additionally, an apparatus claim 12 also has the limitations for “a target portable computing device loaded onto a land, sea, air or space vehicle...” (Claim 12, lines 6-7). Furthermore, in claim 12, “a mission planning workstation connected to at least one media device during loading and encryption of sensitive data, and loading of unencrypted benign data, wherein the encryption key is loaded into the at least one media device and erased from said at least one media device after commencement of the mission,

wherein after sensitive data is encrypted on at least one media device connected to the mission planning workstation, each of the at least one media devices are connected to the target portable computing device and the encryption key is resident only in volatile memory on any media device connected to the target portable computing device after mission commencement, ...” (Emphasis added)

Please note that the rest of the rejected claims directly or indirectly depend from the distinguished independent claims 1 and 12 and therefore are clear not answered by Mallett.

The Examiner relies on patent to Bergum et al. as showing a communication device which utilizes digital encryption and volatile and non-volatile memory devices. According to Bergum et al., a power sensing circuit, in conjunction with tamper detection circuitry, is used to help ensure the active erasure of keys from the volatile memory in the event of a non-secure operating condition. It should be noted that the device claimed by Bergum et al. also has a stationary configuration and does not teach “transporting the target portable computing device and media device to a location physically distant from the mission planning workstation” as well “deleting encryption key from media device in response to transporting step” or “a mission planning workstation connected to at least one media device during loading and encryption of sensitive data, and

loading of unencrypted benign data, wherein the encryption key is loaded into the at least one media device and erased from said at least one media device after commencement of the mission". Therefore, the patent to Bergum et al. does not make up for the deficiencies of Mallett. It is respectfully concluded that the prior art relied on by the Examiner does not show the system wherein transfer and deletion of encryption keys is performed when a mission computer is moved away from a mission planning workstation. Accordingly, it is clearly seen that the Examiner has not made a *prima facie* demonstration of obviousness of any claim in the application. Therefore, reconsideration and withdrawal of this ground of rejection are respectfully requested.

In this regard, it is also respectfully submitted that the finality of the present action is premature. It is axiomatic that an action should not be made final when neither that action nor the previous action contained a *prima facie* demonstration of the propriety of grounds of rejection contained therein, whether or not the claims were amended in the previous response. The prematurity of the finality of the present action is particularly evident where newly applied prior art continues to fail to answer original and, especially, amendatory recitations and thus the application of newly cited prior art logically can not have been necessitated by amendment. Accordingly, it is respectfully submitted that the finality of the present action should be withdrawn and the above requested amendments entered as a matter of right. In any case, entry of the above-requested amendments is clearly well-justified since they are limited to non-substantial matters of form raised by the Examiner and cannot raise new issues while placing the application in condition for allowance or better form for Appeal by materially reducing and/or simplifying issues.

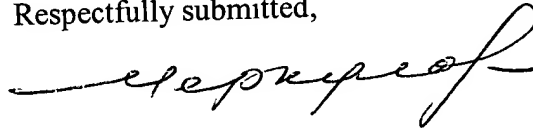
In view of the foregoing, it is respectfully requested that this amendment be entered as placing the application in condition for allowance or, in the alternative, for purposes of appeal. I is respectfully requested that claims 1, 3-9, 11-13 to be reconsidered and allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for

allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson, P.C.).

Respectfully submitted,



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